

PROTECTING YOURSELF FROM TRESPASSERS AND LIABILITY

Concerns over trespassing are growing for both public and private woodland owners. Sometimes trespassing is intentional and sometimes it isn't. Property boundaries are constantly changing as woodland properties are divided and sold into smaller and smaller lots. Hunters, motorized recreationists, and woodland enthusiasts don't always know where these property boundaries are, which lands they have permission to be on, and which lands they don't.

Under Wisconsin law, you are not required to post "No Trespassing" signs or identify your property boundaries unless your land is surrounded by or borders public lands like a national forest, state wildlife management area, or county park. Any person who enters your land or stays without your specific permission is considered to be trespassing (Wisconsin State Statute 943.13 1997).

What can you do if you are concerned about people trespassing on or damaging your property?

- Identify your property boundaries. Work with a professional surveyor to identify your boundaries.
- Clearly mark your property lines so they can be identified by anyone who might come onto your property.
- If you should come across trespassers, don't lose your temper. Be courteous but firm when you ask them to leave. Clearly identify your property boundary to them, and politely ask them to respect your property. If they will not leave, contact the County Sheriff. Sheriff Deputies are authorized to issue a trespass citation, similar to a traffic citation, to these interlopers.

Your worst nightmare as a landowner is what happens if someone gets hurt while on your land. Woodland owners have certain protections against liability under Wisconsin's Recreation Use Statute, 895.52. Under this statute, landowners (including governmental bodies and non-profit organizations that own, lease, occupy land, or have a recreational agreement with another owner) have certain protections against liability. This important law says that landowners do not have a duty to inspect the property, keep it safe, or give warning of an unsafe condition.

As a landowner, you may be liable for injuries that occur if you allow access to your land and fail to disclose a known hazard or maliciously create one. You are also liable for damages if you accept more than \$2,000 in compensation through a rental or lease agreement for the use of your property for recreational purposes (for more information on liability regarding leases, see state statute 895.52, section (6)(a)). Wisconsin's Recreational Use Statute covers nearly every outdoor recreational activity except organized team sports. Discuss this statute with your insurance provider as you consider protecting yourself and your family from liability for any accidents that could occur in your woodland.

To learn more about Wisconsin's Recreational Use Statute, we recommend reading University of Wisconsin Extension's publication G3326, **"Wisconsin's Recreational Use Statute."**

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